

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 16, 2004

DIVISION ONE

B163212 People (Not for Publication)
v.
Barnard McGaughy, et al.

We reverse defendants' convictions on counts 1 and 2 and their related enhancements. We remand for a retrial on those counts and enhancements only, at which the trial court should instruct the jury on false imprisonment as a lesser-included offense of those counts. We vacate defendants' sentences on the remaining counts, and remand for resentencing. If appropriate, defendants should raise their sentencing issues at resentencing. We affirm defendants' conviction on all other counts and related enhancements, and in all other respects affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B160823 Citi-Wide Preferred Couriers, Inc.
v.
Golden Eagle Insurance Corp.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B167322 Los Angeles County, D.C.S. (Not for Publication)
v.
Carita Q. et al.

The orders are affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B161548 John Floyd (Not for Publication)
v.
Starlard E. Floyd, Jr., etc.

The petition is granted. Let a peremptory writ of mandate issue directing the trial court to vacate its order denying without prejudice petitioner's petition to determine the validity of purported trust, imposition of a constructive trust, and for an accounting. Thereafter, respondent should be given an opportunity to refile his motion to change venue to San Diego County, which should be heard by the trial court. Each party is to bear his own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B165235 Pamela Sprencer (Not for Publication)
v.
David Dadon, et al.
Superior Court of the County of Los Angeles.

The order is affirmed. Spencer is ordered to pay costs on appeal. The say order entered on November 7, 2003, is vacated and the trial court may proceed with all matters before it.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B171100 Chih-Li Liu, et al. (Not for Publication)

v.

Superior Court, Los Angeles County
(Huan Yao Wu, r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to (1) vacate its order of October 27, 2003, compelling petitioners Chih-Li Liu and Min-Lee Liu to comply with discover, (2) determine under the proper legal standards whether the privilege against self-incrimination applies to each particular discover request, and (3) enter a new and different order consistent with the proper legal standards.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B164250 People (Not for Publication)

v.

Fua

The judgment is affirmed. The sentencing court is directed to amend its minute order printed January 9, 2003, pertaining to January 7, 2003 proceedings, as well as the abstract of judgment, to reflect that, as to the offense of criminal threats, the court sentenced appellant to the two-year middle term and stayed execution thereof pending service of sentence on the remaining counts, with said stay to become permanent upon completion of the remaining sentences. The sentencing court is directed to forward the amended abstract of judgment to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B164480 Shyh Hau Leu, et al. (Not for Publication)
 v.
 Redevelopment Agency of the City of Baldwin Park, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

Acting Presiding Justice Epstein made the following comments: “As you may know, Justice Charles Vogel, who is the Presiding Justice of this division and the Administrative Presiding Justice of the entire second district has announced his retirement. He will be leaving the bench at the end of January. That’s the reason there are three of us here rather than four. He’s still a member of the court and I wanted to, we all wanted to, take this occasion of this, our last session during his tenure as a member of the court, and indeed as a judge, to recognize the enormous contributions he’s made and our esteem and friendship for him and to wish him the very best in the years ahead.”

Each of the following:

B143471 People v. Donan
B163489 People v. Ponce
B163497 People v. Caldwell
B158788 People v. Roberts
B166921 DCFS v. Vicente P.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B169994 California Fair Plan Association
 v.
 Superior Court, Los Angeles County
 (Darwish, r.p.i.)

Merits:

Argued by Raul L. Martinez for petitioner and by Mitchel J. Ezer for real party in interest. Cause submitted.

B165903 Rialto Pockets, Inc.
 v.
 El Pollo Loco, Inc.

Merits:

Argued by Bert C. Cozart for appellant and by Kathleen O. Peterson for respondent. Cause submitted.

B164649 People
 v.
 Chacon

Merits:

Argued by Phyllis C. Asayama, deputy district attorney for appellant and by Michael D. Nasatir for respondent. Cause submitted.

B164069 Valley View Development
 v.
 Henrichs et al.

Merits:

Argued by F. Glenn Nichols for appellants and by Barry R. Edwards for respondents Valley View Development and Gelman and by A. Douglas Mastroianni for respondent Blaha . Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 p.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B165184 People
 v.
 Bruce

Merits:

Argued by Phillip Samovar for appellant and by Kenneth J. Kao, deputy attorney general for respondent. Cause submitted.

B163593 Kaufman
 v.
 Reed et al.

Merits:

Argued by Adam J. Telanoff for appellant and by H. Clay Jacke, II for respondents. Cause submitted.

B160608 Alfano, et al.
 v.
 Giordano, et al.

Merits:

Argued by Thomas M. Banks for appellants and by Paul F. Cohen for respondent Giordano and Bartley L. Becker for respondent Stanton. Cause submitted.

B159617 Amaral
 v.
 Double "P" Concrete Pumping, Inc., et al.

Merits:

Argued by Daniel J. Gonzalez for respondents and by Joel Krissman for appellant. Cause submitted.

DIVISION FOUR (Continued)

B167883 Nicola International, Inc.
v.
Farmers Group, Inc. et al.

Merits:

Argued by John N. Quisenberry for appellant and by Andrea M. Gauthier for respondents. Cause submitted.

B157870 Chateau Monterey Homeowners Association
v.
CJL Construction, Inc.

Merits:

Argued by Steven G. Harman for appellant and by Daniel Eli for respondent. Cause submitted.

Court adjourned.

DIVISION EIGHT

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The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.